



105

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-28111-2024
DATE OF DECISION: 30.05.2024**

JUHARA**...PETITIONER****Versus****STATE OF HARYANA****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. V.G. Narwana, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.223 dated 18.05.2018 registered for offences punishable under Sections 420/467/468/471 IPC and Sections 120-B/201 IPC was added later on at Police Station Dharuhera, District Rewari.

2. Learned counsel for the petitioner submits that the petitioner is neither borrower of the loan nor owner of the truck. The petitioner is not named in the FIR. He has not received any amount of loan in his bank account. Learned counsel further submits that the petitioner did not sign any document or applied for loan and no tractor was purchased by the petitioner. He further points that it is an admitted fact that the mortgaged land does not belong to the petitioner as the same belonged to the co-accused/Rehman and was mortgaged by him. The contention raised by counsel for the petitioner is that the tractor



dealer in connivance with the bank official has done the fraud by forging documents.

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and opposes the prayer for grant of bail but could not produce any incriminating evidence connecting the petitioner with the alleged incident. He is not in a position to controvert the submissions made by counsel for the petitioner but the co-accused-Rehman is the father of the petitioner and therefore, is equally responsible and could not make out a case for anticipatory bail.

5. In light of the above, since the FIR was registered after a complaint under Section 156(3) Cr.P.C. wherein enquiry was got conducted by the Judicial Magistrate, while entertaining the aforesaid complaint on the basis of that summoning was issued qua the present petitioner. In view of another aspect that the actual loanee is father of the present petitioner namely Rehman in whose name the vehicle i.e. tractor has been purchased and land was mortgaged by him alone against availing loan amount. Even otherwise taking into custody of a person who has no role whatsoever out of the said transaction between the bank and the co-accused-Rehman would be an abuse to process of law. The loan amount whatsoever advanced by the bank is secured in so many other means i.e. against the mortgaged property can be satisfied which is



already with the bank as is an admitted case of prosecution as well.

7. After having heard learned counsel for the parties and specific stand of learned State Counsel, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

8. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

9. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

10. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

30.05.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No